

MINUTES OF MARION CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
TUESDAY, MAY 12, 2015
6:30 P.M.

A regular meeting was held by City Council on Tuesday, May 12, 2015 at 6:30 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ronald Atkinson, Ralph Atkinson, Odessa Gregg, Joseph Frazier and Emerson Hunt were present. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Pam Jones and City Attorney Kristina Catoe ((Boykin & Davis).

Mayor Davis called the meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance. Mayor Davis welcomed citizens, guests and the press. (Hometown TV).

Councilman Joseph Frazier made a motion to approve the minutes of the regular meeting on April 13, 2015, seconded by Councilman Michael Baker; motion carried.

Councilman Ralph Atkinson made a motion to select Ronald Atkinson as Mayor Pro-tem, seconded by Councilman Emerson Hunt; motion carried.

Mayor Bobby L. Davis presented the Mayor's Monthly Beautification Award to the Marion High Interact Club. City Clerk Pam Jones read a Proclamation that was presented to the Interact Club recognizing them for their efforts in keeping Marion beautiful. Mayor Davis thanked them for the outstanding efforts.

Code Enforcement Officer Dennis Brown was named *April Employee of the Month* and presented with a gift certificate. Mayor Davis thanked Dennis for his hard work and his dedication to the City.

City Clerk Pam Jones read a Proclamation recognizing the 12-U Girls on winning the 2015 State Basketball Championship, making this back-to-back State Championships. Mayor Davis congratulated the coaches and players of this winning team and he, along with Mayor Pro-tem Ronald Atkinson,

presented individual medals to each player and coach recognizing their achievement. The players and coaches expressed their thanks for the support they received.

City Clerk Pam Jones read a Proclamation recognizing the 17-U Boys on winning the 2015 State Basketball Championship. Mayor Davis congratulated the coaches and players of this winning team and he, along with Mayor Pro-tem Ronald Atkinson, presented individual medals to each player and coach recognizing their achievement. The players and coaches expressed their thanks for the support they received.

Mayor Davis commented that this is *Teen Pregnancy Prevention Month* and we have a Proclamation for that organization and will make sure they receive the Proclamation at a later date.

Councilman Emerson Hunt made a motion to allow Mrs. Ellen Baldwin use of Pop Dorsey Park on Sunday, August 9th for her *Children's Outreach for Education Program*, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

Mr. Neal Fairbanks, Chairman of the Marion County Library Board of Trustees was present to ask Council for funding for the HVAC system at the Marion Library. The unit is over 35 years old and has been repaired numerous times and is unable to be repaired again. They are currently trying to raise funds to purchase a new unit and have received a grant from the Healthcare Foundation in the amount of \$54,000 and the library will use their remaining \$30,000 in their reserve fund. This leaves them with no dollars in the reserve fund to finish other projects, such as the bookmobile. The Marion library is used mainly by Marion residents and the City of Marion has never financially forwarded any funds to the operation of the library, but as Mr. Fairbanks state: in all fairness, the City of Marion has never been asked to contribute any certain amount of funds to the library. He is not asking for a specific dollar amount, but hopes that the City will be able to find a way to put this in the budget. Mayor Davis thanked Mr. Fairbanks for his presentation and hopes that if some money can be found in the budget to donate to the library, that he, along with Council will be able to do that.

Mr. Winky Fore was present to give an update on the Sanitation Department. There is a lot of C & D being put on the street, which the City cannot accommodate because we only have 3 roll-off containers at the landfill (since being closed by DHEC) which are not for use by contractors. Contractors have been asked to dispose of their own C & D, not to leave it for the City to pick up. Mr. Fore stated

that they appreciate the equipment they have been given to use. The old dump trucks were in such bad shape they could not be used properly and it was discouraging for the workers not to have proper, usable equipment. We all appreciate the new ones we now have and all of the equipment is being properly used. In response to a comment, Mr. Fore replied that DHEC requires us not to pick up tires, TVs, or any electronics. There were as many as 2,000 tires and TVs stacked as high as this ceiling (and leaking mercury); he got with Mr. Ammons and they got a 40 yard and 20 yard roll-off from AWS to get these off the ground. Door knockers are left on residents doors letting them know that tires left on the curb are considered littering and must be moved, same with TVs. We can no longer pick up tires or TV's during the city/county-wide pickup and everyone is responsible for disposal of their own tires/TVs. Mr. Fore commented that he appreciates his guys hustling to keep the City clean and many residents express their thanks to them for the great job they're doing. This time of year, everyone is cleaning up their yards, shrubs and trees and we are getting to it as quickly as possible. They pick up the small piles and then if needed, go back with the front end loader for the big stuff. Mayor Davis stated that all the departments are doing a fine job and he appreciates the effort everyone is making and thanked Mr. Fore for explaining what we can and cannot take to the landfill. It's not because we don't want to take everything to the landfill, but we cannot be fined by DHEC. Mayor Pro-tem Atkinson inquired as to what should now be done with TVs or computers that need to be disposed of; Mr. Fore responded that there is a disposal area on Senator Gasque Road that will accept those items. Mayor Pro-tem Atkinson commented that he was the one who asked about using the back hoe to pick up grass clippings and has no problem with it being used for picking up shrubs and large items, but has received numerous calls about it being used to pick up grass clippings. He further commented that he thinks they do a great job keeping Marion looking good. Mr. Fore stated that there are only 2 designated drivers for the backhoe, one on the north end and one on the south end and they go out to pick up the large debris after the smaller stuff has been picked up by another truck. Mayor Davis stated that someone is using our recycle area to dump clothes and other household items and that will also get us fined by DHEC. We have pictures and hope to be able to remedy that in some way. Mayor Davis stressed the importance that citizens do not use the recycling center to dump food, household items or clothes. Councilman Hunt commented that he thinks the world of the City employees and fights for their rights, for better pay and working conditions and believes in and appreciates them. Councilman Hunt further commented that last month someone alluded to the fact that some trash on the side of the road near his current construction and the City workers picked it up and then got a call to put it back on the ground. He checked to see if there is an Ordinance in place that disallows a person who owns his property, pays

taxes and sanitation fees, and is doing his own work, to put his debris on the side of the road. Councilman Hunt asked Mr. Fore if he knew of any such Ordinance that disallowed small amounts of debris to be removed from a business, as has been done many times around the City. Mr. Ammons responded that there was not an Ordinance in place. Councilman Hunt stated that it would proper to put an Ordinance in place, that each citizen should be afforded the same rights. After speaking with Mr. Ammons, Councilman Hunt decided to lease a bin from AWS for his construction debris as not to put a strain on the citizens or the City; this is not about Mr. Fore and he has no issue with him as he is fighting a different battle and it is not with Mr. Fore or the City workers. Councilman Hunt asked that if there is no Ordinance how is it determined whose debris is picked up and whose is not. Mayor Davis asked Mr. Fore to explain how debris has been picked up since he began the job several years ago. Mr. Fore explained that when Bobby Gerald was Mayor, he told Mr. Fore not to pick up debris put out behind businesses, as it was their responsibility to dispose of it (dumpsters or recycling bins). After more back and forth statements between Mayor Davis and Councilman Hunt, Mayor Davis gavelled down and asked that Councilman Hunt allow him to finish his comment. Mayor Davis stated that we follow *Robert's Rules of Order* during our meetings, and if necessary would ask the Ethics Commission to come in and investigate. Due to comments made at the previous meeting, Mayor Davis asked Chief Tennie to investigate to what went on at Mr. Hunt's place when warrants were served on persons at that location. Mayor Davis stated that he had no knowledge of this and the officers were doing their job, by a judge's order, and each Council member received a copy of this. If a judge signs a warrant, our police officers will execute that warrant, regardless of whose business that person is at. Councilman Hunt passed out pictures purportedly of City workers that he personally witnessed cleaning up the Cathedral Bible College grounds, which is private property, on March 26 2014, and has several more pictures. He would like to know who authorized City workers to clean up that property as it is illegal and a misuse of public funds. Mr. Fore stated these were Street Department employees and this picture was cleanup from the ice storm and this was picked up from the curb on Lombardy Street (which runs behind the old hospital/Cathedral Bible College). After attempts to question Mr. Ammons by Councilman Hunt, Mayor Davis asked that Mr. Ammons not answer any questions until order was retained. Mayor Davis again gavelled down and stated that this discussion was over and the meeting would move forward. Councilman Hunt stated that he would produce more pictures to back up his comments that City workers were being used to work on private property. Mayor Davis stated that the Ethics Commission would be contacted.

Councilman Joseph Frazier made a motion to appoint Mrs. Vivian Rogers as Marion's PDRTA Board Member, seconded by Councilman Michael Baker; motion carried. Mrs. Rogers and Mr. Chuck MacNeil (PDRTA) will be notified.

Councilman Joseph Frazier made a motion to set the date for the Budget Workshop for May 14th at 5:30 p.m., seconded by Councilwoman Odessa Gregg. Councilman Ralph Atkinson stated that he would be out of town on that date and not able to attend. Mayor Davis inquired if another date would be more suitable, but Council did not come up with another date. The motion to set the Budget Workshop for Thursday, May 14th carried.

Councilman Michael Baker made a motion to give 2nd Reading on ORDINANCE 15-04, AN ORDINANCE TO AMEND THE PET CARE FACILITIES, ORDINANCES TO INCLUDE AN ANIMAL SHELTER DESIGNATION FOR FY 20-14-2015, seconded by Councilman Joseph Frazier; motion carried.

Mayor Pro-tem Ronald Atkinson made a motion to set a Public Hearing date for June 9th at 6:00 p.m. before the regular Council meeting. The Public Hearing is to discuss ORDINANCE 14-05, AN ORDINANCE TO SET MILLAGE FOR RAISING FUNDS AND TO ADOPT THE BUDGET FOR THE CITY OF MARION, FISCAL YEAR ENDING JUNE 30, 2016 and ORDINANCE 14-06, AN ORDINANCE TO APPROPRIATE LOCAL HOSPITALITY REVENUES FOR THE CITY OF MARION FOR THE 2015-2016 FISCAL YEARS. The motion was seconded by Councilman Joseph Frazier and carried.

Mayor Pro-tem Ronald Atkinson made a motion to give 1st Reading on ORDINANCE 14-05, AN ORDINANCE TO SET MILLAGE FOR RAISING FUNDS AND TO ADOPT THE BUDGET FOR THE CITY OF MARION, FISCAL YEAR ENDING JUNE 30, 2016. Mr. Ammons commented this was the proposed budget of \$5.8 million dollars and would be reviewed, discussed and revised, if necessary, at the Budget Workshop. The motion was seconded by Councilman Michael Baker and carried.

Councilman Michael Baker made a motion to give 1st Reading on ORDINANCE 14-06, AN ORDINANCE TO APPROPRIATE LOCAL HOSPITALITY REVENUES FOR THE CITY OF MARION FOR THE 2015-2016 FISCAL YEARS. Mr. Ammons commented that this budget was almost exactly what we had last year, with very few changes. Councilman Joseph Frazier seconded the motion; motion carried.

Mr. Ammons commented that the 2015-16 Capital Budget is broken down by departments as to what the items and amounts are, and the total is \$267,850. The repayment will be over 7 years, back to the City. Councilman Michael Baker made a motion to give 1st Reading on ORDINANCE 14-07, AN ORDINANCE TO APPROVE 2015-16 CAPITAL BUDGET. The motion was seconded by Councilman Joseph Frazier and carried.

Councilman Ralph Atkinson made a motion to accept the land deed (for the City sign at Beneteau) from SCDOT, seconded by Councilwoman Odessa Gregg. SCDOT will retain the right-of-way. Motion carried.

ADMINISTRATOR'S REPORT

Mr. Ammons reported that Code Enforcement has been working hard and has sent out violation notices on the south end is starting on the east side. Most property owners are starting to comply. After all notices have been sent, those who have not complied will have their grass cut by the City and it will charged back to the County. The City's new signs have been completed at 576 and across from the Police Department. Mr. Ammons stated that Marion County has cancelled the 4th of July celebration and the Mayor and he were just notified last week. Mr. Ammons reminded that the Foxtrot events start Thursday and he has given Council a list of the events. There is some C-fund money available and Mr. Ammons asked each Council member to list driveways in their district that may need repair. He and MR. Sanders have been working on this for a year and we won't be able to do them all now, but we need a list to start. We have about \$20,000 now and that will probably do around 30 driveways

CITY ATTORNEY'S LEGAL UPDATE

The Attorney had nothing to update at this time. Mayor Davis asked that the Attorney provide guidance on "Robert's Rules of Order" and on how to go through the process in an orderly way and also to pass that along to Attorney Davis. Ms. Catoe responded that she would check on this issue.

DEPARTMENTAL REPORTS

Mayor Davis stated that all departmental reports were sent to Council in their packets. Mr. Hezekiah Norman reported that everything with the Housing Authority was ok. Mr. Denley Caughman stated that the Senior Council has been disbanded.

DISTRICTS AND CITY UPDATE FROM COUNCIL AND MAYOR

Councilman Emerson Hunt thanked everyone for their support during his house fire, especially Council members Ronald Atkinson, Ralph Atkinson and Odessa Gregg. He commented that the last two meetings have been bombarded with basic ignorance and when you try to help your community grow, you find not the opposite side (the white people) pulling you down, but sometimes you find it in your own community and it makes no sense. Councilman Hunt commented that he represents a younger generation and that they tired of the divisiveness. the deceit and the smiling in your face. Councilman Hunt further commented that he would state where he stands on issues and will not say he agrees with anyone if he doesn't. He would like to speak to the Attorney regarding the property being worked on by City employees and the employees may have to be investigated to find out who is telling the truth and who is not, because it is a misappropriation of funds. He has no problem with helping people, but as a taxpayer, when it becomes a huge problem to pick up his little bit of garbage, then that becomes the real problem. He doesn't want and has no desire to go to war with anyone on Council, but if pushed, will push back.

Councilwoman Odessa Gregg had no comment at this time.

Councilman Ralph Atkinson had no comment at this time.

Mayor Pro-tem Ronald Atkinson inquired as to why the carnival was setting up so early and a huge RV parked in front of some houses on Elizabeth Street. Mr. Ammons responded that it had been taken care of and that Mr. Page had offered them use of facilities as there are no hookups in the parking lot.

Councilman Frazier thanked the people in District 4 for their votes and their trust in him. The ditch bank at Mr. James Barr' house needs to be taken care of. Mr. Ammons responded that as soon as the rain stopped and it dried out, the overgrowth of vegetation would be removed. Councilman Frazier asked about the grass vouchers and Mr. Ammons stated that if someone wants to apply for a voucher, they will fill out a form at City Hall and when we get one or two forms, we will call a committee meeting. Councilman Frazier commented that he had two handicapped seniors, 609 and 617 S. Withlacochee, and Mr. Ammons responded that he would take the applications to them. Mr. Ammons will send Dennis to look at another piece of property in question.

Councilman Michael Baker commented that he had gotten with Mr. Ammons during the month and they had taken care of most of the issues in his District.

Mayor Bobby L. Davis offered his congratulations to Council members Ronald Atkinson, Ralph Atkinson and Joseph Frazier for their return to Council and also to Chief Dewayne Tennie. Mayor Davis stated for the record that he called Mr. Hunt regarding the mishap at his house and the time and date

should be on his phone. We are concerned about his kids and all kids and hopefully will track down those who are responsible. The Police Department, SLED, and the Sheriff's Office are looking into this incident. Mayor Davis asked that Council get back to him as soon as possible regarding the evaluation on Mr. Ammons. This has to be done each year prior to our budget being approved. Foxtrot, May 16 -18, is expected to be bigger and better than ever before and everyone is asked to come out and enjoy the festivities. Possible investors are looking at the old hotel to see if it can be remodeled and recently toured that building. We need hotel rooms in the City and hope that will materialize in the near future. Mayor Davis welcomed Attorney Christina Catoe from Boykin-Davis Law Firm. The sign at Beneteau is complete and has a light on it and the light should be on the sign across from the MPD later this week. Mayor Davis stated let us pray for each other that things will get better.

EXECUTIVE SESSION

Councilman Joseph Frazier made a motion to enter Executive Session to discuss a Personnel Matter – Employee Agreement and Attorney's Legal Update – Pending Matter, seconded by Councilman Michael Baker; motion carried. Upon returning from Executive Session, Mayor Davis stated that no action was taken. Mayor Pro-tem Ronald Atkins made a motion to return to regular session, seconded by Councilman Ralph Atkinson; motion carried.

Councilman Michael Baker made a motion to exercise the 180 day notice provision of the City's Employment Agreement with Alan T. Ammons and notify him in writing prior to July 30, 2015, that his employment with the City will not automatically renew at his contract's expiration on December 31, 2015, seconded by Councilman Joseph Frazier. Councilman Ralph Atkinson stated that it is his understanding that Mr. Ammons had a 3 year employment contract that expired in January 2016; by the City exercising their right not to renew this contract, it would end his employment if that is ultimately the decision made in January, or it would allow Mr. Ammons or the City to renegotiate his contract for another year, 3 years or whatever. The City Attorney stated that by exercising this provision, this contract is not automatically renewed, but can be renegotiated between Mr. Ammons and the City for an agreeable number of years, or he could also be unemployed. Mayor Pro-tem Ronald commented this was just to exercise the right under the contract. Councilman Baker commented that was correct, nothing else. Councilman Hunt stated that he is under the impression that we are working in good faith. Regarding Mr. Ammons' Agreement. Motion Carried.

ADJOURNMENT

With no further business, the meeting was adjourned.

Mayor Bobby L. Davis

City Clerk Pam Jones

Taped May 12, 2015